



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Second and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Attorney (3) and Distribution

Age: 58		PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 12/13/12 – 12/19/14	
		Accounting - \$79,686.12	
		Beginning POH - \$4,932.77	
		Ending POH - \$9,444.12	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Conservator - \$3,273.44 (11 staff hours @ \$76/hr. and 25.39 deputy hours @ \$96/hr.)	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Attorney - \$1,250.00 (less than allowed per local rule)	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/ Bond fee - \$232.96 (ok)	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Costs - \$435.00 (filing fees)	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Petitioner states that the conservatee is now subject to an LPS conservatorship as of 12/17/14 and therefore her funds can be managed by the Public Guardian under their payee system and this conservatorship is no longer necessary.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	Petitioner prays for an Order:	
<input type="checkbox"/>	2620	n/a	
<input checked="" type="checkbox"/>	Order	1. Finding that the conservatorship is no longer necessary, and ordering its termination;	
<input type="checkbox"/>	Aff. Posting	2. Approving, allowing and settling the second and final account;	
<input type="checkbox"/>	Status Rpt	3. Authorizing the conservator and attorney's fees and commissions;	
<input type="checkbox"/>	UCCJEA	4. Authorizing the bond fee and costs; and	
<input type="checkbox"/>	Citation	5. Authorizing petitioner to distribute the remaining estate of \$4,252.72 to the Fresno County Public Guardian as payee of the LPS conservatee.	
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF

Reviewed on: 02/10/15

Updates:

Recommendation:

File 1 - McBride

(1) First and Final Report of Administrator on Waiver of Account and Petition for its Settlement; (2) for Allowance of Statutory and Extraordinary Fees to Attorney for Services; and (3) for Order for Final Distribution Pursuant to Probate Code 3600 et. seq.

DOD: 3/31/10		JOSEPH WILLIAM MARTIN , Administrator, is petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Accounting is waived.		Continued from 10/20/14. As of 2/10/15 the following issues remain: 1. It appears that the Joseph W. Martin Irrevocable Trust established on 1/16/14 is not a valid "special needs" trust. The requirements for creation of a special needs trust are that the beneficiary must be under the age of 65 at the time of the trust's creation. Mr. Martin is 86. (Title 42 United States Code section 1396p(d)(4)(A)). 2. Petition requests the distribution to the Joseph W. Martin Irrevocable Special Needs Trust, dated 1/16/14. The trust attached to the petition is entitled the Joseph W. Martin Irrevocable Trust established on 1/16/14 with no mention of a special needs trust. Please see additional page	
Cont. from 082514 090814, 102014		I & A - \$125,873.74			
		POH - \$127,424.94			
Aff.Sub.Wit.		Administrator - waives			
✓	Verified	Attorney (statutory) - \$4,776.22			
✓	Inventory	Attorney x/o - \$9,100.00			
✓	PTC	(40.75 hours @ \$100 – 250/hr for services in connection with the civil litigation and creation of the special needs trust)			
✓	Not.Cred.	Costs - \$1,304.32			
✓	Notice of Hrg	(probate Referee, publication, certified copies)			
✓	Aff.Mail	Petitioner states he established the JOSEPH W. MARTIN IRREVOCABLE SPECIAL NEEDS TRUST , ("SNT") dated 1/16/14, Donald Fischer, trustee. The SNT currently contains proceeds from the settlement of the civil litigation by order of the Honorable Kristi Culver-Kapetan in the matter entitled <i>Joseph W. Martin v. Mary Quin, et. al</i> , case no. 12CECG03130 filed on 4/2/14.			
	Aff.Pub.	Petitioner requests the court take judicial notice of the order.			
	Sp.Ntc.	Please see additional page			
	Pers.Serv.				
	Conf. Screen				
✓	Letters	4/2/13			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
✓	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
✓	FTB Notice				
		Reviewed by: KT			
		Reviewed on: 2/10/15			
		Updates:			
		Recommendation:			
		File 4A - Martin			

Petitioner request the assets of the estate be distributed to Donald E. Fischer, Trustee of the Joseph W. Martin Irrevocable Special Needs Trust dated 1/16/14.

NEEDS/PROBLEMS/COMMENTS (cont.):

3. Extra ordinary fee requests appear to include attorney services that benefited the administrator, Joseph Martin, personally and not the estate. For instance, Mr. McCloskey states he assisted Mr. Martin in a civil case for financial elder abuse against his daughter, Mary J. Quin entitled *Joseph W. Martin v Mary J. Quin*, case no. 12CECG03130. The action sought to recover assets Mr. Martin alleged were fraudulently taken by his daughter, Mary J. Quin. Mr. Martin was represented by Attorney Babette Fischer in the civil matter and not Mr. McCloskey. Mr. McCloskey also states he assisted in the creation of the Special Needs Trust for Mr. Martin. The special needs trust would be solely for the benefit of Mr. Martin and not for the benefit of the estate. In addition, there are questions regarding the validity of the Special Needs Trust. It appears any attorney fees incurred by the civil case or for Mr. Martin personally should be recovered from Mr. Martin personally outside of the estate. California Rules of Court, Rule 7.702(3) requires the declarant to show the benefit of the services to the estate. - **Declaration of Attorney Daniel T. McCloskey filed on 8/15/14 states** he feels the extraordinary fees are justified due to the unusual circumstances presented by the case, including but not limited to; preparation, filing and related actions to create the Special Needs Trust; preparation and filing and prosecution of the Petition to Determine Title; protracted civil litigation regarding the Petition to Determine Title and Petitioner's physical incapacity and mobility issues after his fall requiring travel to and from the convalescent home and hospital; that the misconduct alleged by his daughter occurred in 2010 and that it was his only daughter, a licensed attorney, who aggressively defended against the complaint and petition.

Status Report filed on 10/10/14 states at the hearing on 9/8/14 the court determined that the Joseph W. Martin Irrevocable Special Needs Trust was not a valid special needs trust pursuant to Title 42 USC §1396p(d)(4)(A), as Mr. Martin was over the age of 65 when the trust was created.

Mr. McCloskey states he has been in contact with the Special Needs Trust Division of the California Department of Health Services (DHS) regarding establishment of a special needs trust.

Mr. McCloskey states he was advised that DHS would require a special needs trust for Mr. Martin provided it was administered by a professional fiduciary working for a non-profit organization. Mr. McCloskey's office contacted the Good Shepard Fund in San Jose and Golden State Pooled Trust in Napa, requesting their assistance in preparation and administration of a special needs trust on behalf of Mr. Martin. To date Mr. McCloskey states he has not received any response and will be following up on the selection of an appropriate trustee and special needs trust.

Mr. McCloskey states it is the Administrator's intention, once a non-profit fiduciary has been selected to petition the court for a revocation of the special needs trust entitled the Joseph W. Martin Irrevocable Trust dated, January 16, 2014, and request approval of a special needs trust by a non-profit fiduciary.

The Administrator, Joseph W. Martin, continues to reside in an assisted living facility in Fresno and has physical mobility issues that make it very hard, if not impossible, to attend the hearing. The Administrator requests that he be excused from attending the status hearing.

Atty Rindlisbacher, Curtis D. (for Paul Carreiro and Donna Carreiro – sister & brother-in-law/Petitioners)
 Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
 1820, 1821, 2680-2682)

Age: 59		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		DONNA CARREIRO and PAUL CARREIRO , sister and brother-in-law, are Petitioners and request that the PUBLIC GUARDIAN be appointed as Conservator of the Person and Estate without bond.		CONTINUED FROM 01/15/15 Minute Order from 1/15/15 states: Counsel requests to bifurcate the issue of person and estate. Ms. Kruthers requests time to see if a probate conservatorship is appropriate. The Petition is granted as to the estate ONLY. Matter is continued to 02/09/15 as to the person ONLY. Mr. Rindlisbacher will submit a new order.	
Cont. from 011515		Estimated Value of the Estate: Personal property - \$2,500.00		Proposed Conservatee has not been advised of her rights. Letters of Conservatorship of the Estate issued on 02/03/15.	
	Aff.Sub.Wit.				
✓	Verified	Petitioners state that the proposed conservatee suffers from mental health issues and is unable to keep her home properly clean and in a liveable state. Petitioners believe that the proposed conservatee's health is good other than her mental health issues. Petitioner state that the proposed conservatee will not seek help for her mental health problems and refuses to take the medication that is prescribed to her due to irrational beliefs. The proposed conservatee lives alone in a home presently owned by her father's trust, she is also the beneficiary of her father's trust as well as an IRA. A family friend currently delivers groceries to the proposed conservatee. Petitioners also state that the proposed conservatee will give away money despite her own needs and that she is eligible for Medi-Cal and social security disability but is not capable of completing the applications and obtaining the necessary doctor's reports due to her mental health issues.		Reviewed by: JF Reviewed on: 02/10/15 Updates: Recommendation: File 9 - Skopec	
	Inventory				
	PTC	Court Investigator Dina Calvillo filed a report on 01/12/15.			
	Not.Cred.				
✓	Notice of Hrg	Conf. Screen n/a			
✓	Aff.Mail w/				
	Aff.Pub.	Letters x			
	Sp.Ntc.				
✓	Pers.Serv. w/	Duties/Supp n/a			
	Conf. Screen n/a				
	Letters x	Objections			
	Duties/Supp n/a				
	Video Receipt	Video Receipt n/a			
✓	CI Report				
	9202	Order			
✓	Order				
	Aff. Posting	Aff. Posting			
	Status Rpt				
	UCCJEA	Citation			
✓	Citation				
	FTB Notice	FTB Notice			

DOD: 6-12-06		STARLING BONE , Surviving Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings	<p>1. The original will has not been deposited with the Court pursuant to Probate Code §8200.</p> <p>2. Petitioner does not provide any information regarding her marriage to the decedent and acquisition of the real property in order for the Court to confirm her 50% community property interest in the real property. The Court may require a verified declaration containing this information.</p>
Cont. from 020315		Will dated 7-7-04 devises entire estate to Petitioner.	
<input type="checkbox"/>	Aff.Sub.Wit.	Petitioner requests Court determination that the decedent's 50% community property interest in real property located at 210 N. H Street in Fresno passes to her pursuant to Decedent's will, and confirmation that Petitioner's 50% community property interest in the real property belongs to her.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2-10-15
			Updates:
			Recommendation:
			File 11 - Bone

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Page 19 is a related case. <u>Minute Order 1-8-15:</u> Esmeralda Mendez is sworn to interpret in the Spanish language. The Notice of Hearing was filed on 12-3-14 and the petition is orally verified in open court. The Court orders Ms. Chavez to pay the filing fees owed and submit an order for the accounting. Cont. to 2-19-15 at 9:00 am in Dept. 303. <u>Note:</u> As of 2-10-15, an order has not been submitted. 1. Need Order.	
Cont from 082114, 100914, 111314, 010815				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2-10-15	
			Updates:	
			Recommendation:	
			File 18 – Mendez	

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: Please see related case on page 18. <u>Minute Order 1-8-15:</u> Esmeralda Mendez is sworn to interpret in the Spanish language. The Notice of Hearing was filed on 12-3-14 and the petition is orally verified in open court. The Court orders Ms. Chavez to pay the filing fees owed and submit an order for the accounting. Cont. to 2-19-15 at 9:00 am in Dept. 303. <u>Note:</u> As of 2-10-15, an order has not been submitted. 2. Need Order. <u>Note:</u> The Court will set a status hearing for the filing of the next account as appropriate.	
Cont. from 082114, 100914, 111314, 010815				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc Reviewed on: 2-10-15 Updates: Recommendation: File 19 - Chavez				

Petition for Visitation

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 1-8-15:</u> Lupe Mendez is sworn to interpret in the Spanish language; Ms. Gonzalez is advised to bring her own interpreter to the next hearing. The Court orders the Court Investigator to check on the welfare of the minors and provide the paperwork regarding this hearing to the guardian. Cont. to 021915 900 303. <u>Note:</u> As of 2-10-15, nothing further has been filed. 1. Petitioner filed a declaration of due diligence regarding the guardian. The Court may require further diligence for notice of hearing to be served.	
Cont from 010815				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2-10-15	
			Updates:	
			Recommendation:	
			File 21 – Silva & Gonzalez	